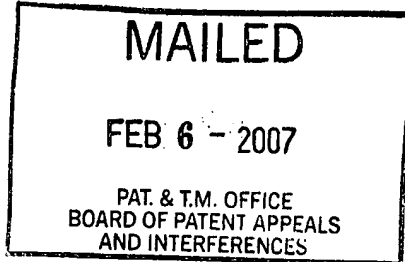




# UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231



Filed by: Judge Michael P. Tierney  
Telephone: 571-272-4683  
Facsimile: 571-273-0042

Applicants: HAGA  
Application No.: 10/069,541  
Filed: 02/27/02  
For: Sigh-affinity choline transporter

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,538.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/  
MICHAEL P. TIERNEY  
Administrative Patent Judge

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Filed February 6, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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UNIVERSITY OF FLORIDA RESEARCH FOUNDATION INC.  
Junior Party  
(U.S. Patent 6,500,643 and U.S. Application 10/271,090),

v.

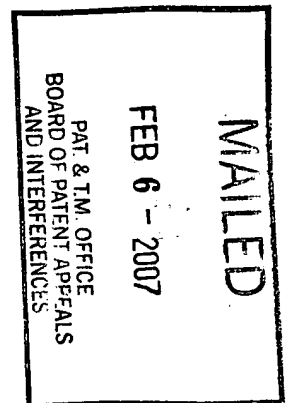
JAPAN SCIENCE AND TECHNOLOGY AGENCY  
Senior Party  
(U.S. Application 10/069,541)

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Patent Interference No. 105,538 (MPT)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)<sup>1</sup>



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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. '41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           Part A. Declaration of interference

2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3 identified parties. Details of the application(s), patent (if any), reissue application  
4 (if any), count(s) and claims designated as corresponding or as not corresponding  
5 to the count(s) appear in Parts E and F of this DECLARATION.

6           Part B. Judge managing the interference

7           Administrative Patent Judge Michael P. Tierney has been designated to  
8 manage the interference. Bd. R. 104(a).

9           Part C. Standing order

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11 DECLARATION. The STANDING ORDER applies to this interference.

12          Part D. Initial conference call

13          A telephone conference call to discuss the interference is set for **3:00 p.m.**  
14 on **April 4, 2007** (the Board will initiate the call).

15          No later than four business days prior to the conference call, each party shall  
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18          A sample schedule for taking action during the motion phase appears as  
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the

1 schedule prior to the conference call and to agree on dates for taking action. A  
2 typical motion period lasts approximately eight (8) months. Counsel should be  
3 prepared to justify any request for a shorter or longer period.

4 Part E. Identification and order of the parties

5 Junior Party

6 Named inventors: DONG-HAI WU, GAINESVILLE, FL

7 YUNRONG GU, GAINESVILLE, FL

8 WILLIAM JAMES MILLARD, GAINESVILLE, FL

9 YUN-JU HE, GAINESVILLE, FL

10 Involved Patent: U.S. Patent 6,500,643, issued December 31, 2002, based  
11 upon U.S. Application 09/657,252, filed September 7,  
12 2000

13 Involved Application: U.S. Application 10/271,090, filed October 15,  
14 2002

15 Patent & Application Title: HUMAN HIGH AFFINITY CHOLINE  
16 TRANSPORTER

17 Patent & Application Assignee: UNIVERSITY OF FLORIDA RESEARCH  
18 FOUNDATION INC.  
19

Senior Party

Named Inventors: TATSUYA HAGA, KANAGAWA, JAPAN

TAKASHI OKUDA, TOKYO, JAPAN

Involved Application: U.S. Application 10/069,541, filed February 27,  
2002

Title: SIGH-AFFINITY CHOLINE TRANSPORTER

Assignee: JAPAN SCIENCE AND TECHNOLOGY  
AGENCY

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of U.S. Application 10/271,090 or Claim 1 of U.S. Patent 6,500,643 or  
Claim 100 or Claim 105 of U.S. Application 10/069,541.

1       The claims of the parties are:

2       U.S. Application 10/271,090:   1-3, 5 and 29

3       U.S. Patent 6,500,643:       1-23

4       U.S. Application 10/069,541:   100, 105, 107 and 109

5

6       The claims of the parties which correspond to Count 1 are:

7       U.S. Application 10/271,090:   1-3, 5 and 29

8       U.S. Patent 6,500,643:       1, 3, 4, 6, 9 and 11-23

9       U.S. Application 10/069,541:   100, 105, 107 and 109

10

11       The claims of the parties which do not correspond to Count 1, and therefore  
12 are not involved in the interference, are:

13       U.S. Application 10/271,090:   None

14       U.S. Patent 6,500,643:       2, 5, 7, 8 and 10

15       U.S. Application 10/069,541:   None

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The parties are accorded the following benefit for Count 1:

UNIVERSITY OF FLORIDA RESEARCH FOUNDATION INC. is  
accorded benefit of the following applications:

NONE

JAPAN SCIENCE AND TECHNOLOGY AGENCY is accorded benefit of the following applications:

- i) PCT/JP00/05545, filed August 18, 2000
- ii) JP 11-368991, filed December 27, 1999
- iii) JP 11-240624, filed August 27, 1999

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference,  
3 see SO ¶ 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE  
5  
6

7  
8 BEFORE THE BOARD OF PATENT APPEALS  
9 AND INTERFERENCES  
10

11  
12 UNIVERSITY OF FLORIDA RESEARCH FOUNDATION INC.  
13 Junior Party  
14 (U.S. Patent 6,500,643 and U.S. Application 10/271,090),  
15

16 v.

17 JAPAN SCIENCE AND TECHNOLOGY AGENCY  
18

19 Snior Party  
20 (U.S. Application 10/069,541).  
21

22  
23  
24 Patent Interference No. 105,538 (MPT)  
25 (Technology Center 1600)  
26

27  
28 Part H. Order form for requesting file copies

29 When requesting copies of files, use of SO Form 4 will greatly expedite  
30 processing of the request. Please attach a copy of Parts E and F of this  
31 DECLARATION with a hand-drawn circle around the patents and applications for  
32 which a copy of a file wrapper is requested.



1  
2 /Michael P. Tierney/  
3 Administrative Patent Judge  
4

5 Enc:

6 Copy of STANDING ORDER  
7 Copy U.S. Patent 6,500,643  
8 Copy of claims of U.S. Application 10/271,090  
9 Copy of claims of U.S. Application 10/069,541  
10

11 Revised 3 January 2006  
12  
13

14 cc (via overnight delivery):  
15

16 Attorney for **UNIVERSITY OF FLORIDA RESEARCH**  
17 **FOUNDATION, INC.:**  
18

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21 Chicago, IL 60606  
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23 Attorney for **JAPAN SCIENCE AND**  
24 **TECHNOLOGY AGENCY:**  
25

26 Ann S. Hobbs, Ph.D., Esq.  
27 VENABLE LLP  
28 575 7th Street, N.W.  
29 Washington, D.C. 20007

## INTERFERENCE DIGEST

Interference No. 105,538

Paper No.

Name: Tatsuya Haga et al.

Serial No.: 10/069,541

Patent No.

Title: Sigh-affinity choline transporter

Filed: 02/27/02

Interference with Wu et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.